

HB 1 -- LOCAL CONTROL OF THE ST. LOUIS POLICE FORCE

SPONSOR: Nasheed

COMMITTEE ACTION: Voted "do pass" by the Committee on Urban Issues by a vote of 6 to 1.

Currently, the state oversees the police force for the City of St. Louis through the St. Louis Board of Police Commissioners. This bill allows the city to establish and maintain a municipal police force under its own authority.

The bill also:

(1) Prohibits any elected or appointed official of the state or any political subdivision from interfering with a member of the police force in the performance of his or her duties or with any aspect of any investigation arising from the performance of the duties. Any person who violates this provision will be subject to a \$2,500 penalty for each offense and permanently disqualified from holding any office or employment with the city. The penalty cannot be paid from the funds of any committee as defined in Section 130.011, RSMo (Section 84.343);

(2) Specifies that it will be an unlawful employment practice for an official, employee, or agent of the police force to discharge, demote, reduce the pay, or retaliate against an employee of the police force for reporting the conduct of another employee that he or she believes, in good faith, is illegal. An employee may bring a cause of action based on a violation of this provision (Section 84.344);

(3) Allows for the establishment of a municipal police force on or after July 1, 2012, and for the transfer of the powers from the board of police commissioners. The debts and assets of the board must be conveyed to the city, which must appropriate the necessary funds for the maintenance of the police force. The city must establish a successor-in-interest by ordinance and must employ the current force without a reduction in rank, salary, or benefits and recognize accrued years of service. Holidays, vacation, and sick leave remain the same. Employees in office continue to be subject to the residency rules as of January 1, 2012. Personnel under Chapter 86 who retire before the municipal force is established will keep the same pension benefits, holidays, and vacations. Until the civil service commission makes new rules appropriate to a police force, the police force will operate under its existing service rules with the police chief acting in place of the board of police commissioners. An appeal of a disciplinary decision for a commissioned or civilian employee will be subject to existing civil service commission

rules and regulations, and a hearing officer must be assigned in certain specified disciplinary proceedings. The city must provide life, health, medical, and disability insurance; coverage for retirees; and may pay an additional shift differential. The spouses and dependents of retirees and deceased personnel who receive pension benefits must have access to coverage at the rate the coverage would cost under the appropriate plan if the deceased were living. The city must establish a five-member transition committee by ordinance as specified in the bill (Section 84.346);

(4) Phases out the board of police commissioners, continues the state's obligation to provide legal representation and reimbursement for legal fees for certain claims, clarifies that the city is not restricted in its selection of a police chief, requires the sheriff of St. Louis City to assist the municipal police force when requested, and establishes venue for legal proceedings in the Twenty-second Judicial Circuit (Section 84.347);

(5) Specifies that the current pension system under Chapter 86 must continue unchanged (Section 84.348);

(6) Establishes a nonseverability clause for Sections 84.345 - 84.348. If any provision of those sections is held to be invalid for any reason, all of the remaining provisions will be invalid (Section 84.349);

(7) Removes certain obsolete references regarding earnable compensation and changes the composition of the board of trustees of the police retirement system by removing the president of the board of police commissioners; reducing the mayoral appointments from three to two; prohibiting the appointment of the city's chief of police, director of public safety, or the president of the board of police commissioners; and increasing the number of retired members from two to three (Sections 86.200 and 86.213);

(8) Places a lien on city funds if the state is required to provide funds to satisfy pension obligations and authorizes the State Treasurer and the Director of the Department of Revenue to withhold funds due the city (Section 86.371);

(9) Requires the city's police chief and director of public safety to file a financial interest statement (Section 105.483);

(10) Prohibits an officer or employee of the police force from being a candidate for partisan political office, using official authority or influence to interfere with or affect the results of an election or a nomination for office, coercing campaign contributions, permitting political solicitations in official

buildings, soliciting a person to vote in a particular way while on duty or in uniform, or affixing any sign or bumper sticker on official property. Any officer or employee who violates any of these provisions may be subject to a fine of between \$50 and \$500, imprisonment for up to six months, or both (Section 1); and

(11) Repeals two obsolete sections regarding the powers and duties of the board of police commissioners (Sections 84.010 and 84.220).

FISCAL NOTE: No impact on General Revenue Fund in FY 2012, FY 2013, and FY 2014. Estimated Income on Other State Funds of \$0 in FY 2012, Up to \$1,000,000 in FY 2013, and Up to \$1,000,000 in FY 2014.

PROPOSERS: Supporters say that the bill is the culmination of a long process that has included citizens and police officers, as well as city government. The provisions in the bill regarding the continuation of police pensions and benefits, as well as protection against interference by city officials with police matters, have been worked out to the satisfaction of the city and the police officers association.

Testifying for the bill were Representative Nasheed; Francis Slay, Mayor of St. Louis City; Joseph Steiger, St. Louis Police Officers Association; City of Kansas City; American Civil Liberties Union of Eastern Missouri; and Kevin Ahlbrand, Missouri Fraternal Order of Police.

OPPOSERS: There was no opposition voiced to the committee.